



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,484	02/07/2001	Christopher J. Edge	10257US01	4699

7590 04/20/2005

STEVEN J. SHUMAKER  
SHUMAKER & SIEFFERT, P.A.  
8425 SEASONS PARKWAY, SUITE 105  
ST. PAUL, MN 55125

EXAMINER

AMINI, JAVID A

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/778,484

Applicant(s)

EDGE ET AL.

Examiner

Javid A Amiri

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>March 8, 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Jan. 23, 2004 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 40-43 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant on page 13 claims 40-43 discloses terms of “a complex shape” and “a simple shape” and “an increased perimeter”. The following questions raised:

- 1- What does Applicant consider an object as a complex shape?
- 2- What does Applicant consider an object as a simple shape?
- 3- How does Applicant define complex and simple shapes?
- 4- What does Applicant mean by a term “an increased perimeter”?

The response of these questions should be provided base on the parameters that Applicant considers.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6, 9-13, 37, 23-24, 28,31-32, 34-35 and 39 rejected under 35 U.S.C. 102(b) as being anticipated by Gentile Ronald WO 99/56088 publication date November 4, 1999, (hereinafter refers as Gentile).

1. Claims 1, 23, 37 and 39.

Gentile on page 3 lines 2-3 teaches a technique that includes displaying a plurality of gray patches on a screen, and on page 4 lines 33-34 teaches the gray patches are displayed on a completely black screen background, in fig. 1 step 106 illustrates displaying the gray patches with  $i-1$ ,  $i$ ,  $i+1$  that considers a non-rectangular shape, see the following steps: “A method comprising: displaying a sequence of dark elements against a black background, wherein each of the dark elements has a different gray value and a non-rectangular shape”; Examiner’s interpretation: Applicant uses a term “estimating a blackpoint” and the reference Gentile uses a term “estimating white point”, these two terms are similar, according to Applicant’s and the reference’s definitions. Gentile in fig. 1 step 118 illustrates the claim language, “estimating a blackpoint for a display device based on one of the dark elements selected by the user that is visible and appears to most closely match the background”.

2. Claims 2 and 24.

Art Unit: 2672

Gentile on page 2 lines 9-11 teaches the step of “modifying a color image for the display device based on the estimated blackpoint”.

3. Claims 6 and 28.

Gentile on pages 1-2 lines 25-31 and 1-13 respectively, teaches the limitation in claim 6.

4. Claims 9 and 31.

The rejection of claim 1 applies to rejection of claim 9.

5. Claims 10 and 32.

Gentile on page 3 lines 16-34 teaches the limitations in claim 10.

6. Claims 12 and 34.

Gentile in fig. 1 step 106 illustrates displaying the gray patches with  $i-1$ ,  $i$ ,  $i+1$  that considers a non-rectangular shape.

7. Claims 13 and 35.

Gentile on page 1 lines 24-31 teaches the limitations in claim 13. “Estimating a gamma and gray balance for the display device; generating a color profile for the display device based on the estimated black points, the gamma, and the gray balance; and modifying the color image for the display device using the color profile”.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5, 7-8, 14-22, 25-27, 29-30, 33, 36 and 38 rejected under 35 U.S.C. 103(a) as being unpatentable over Gentile Ronald, and further in view of Gormish, U.S. patent 5,910,796..

8. Claims 3 and 25.

Gentile does not explicitly specify a computer network, however Gormish in fig 1B illustrates a client computer system in communication with a server computer system over a wide area network (WAN). However, since most computer users do not have access to relatively expensive measurement and calibration equipment, these users generally resort to an alternate solution of using a software tool in conjunction with a physical template whose brightness and hue are compared and matched to that of the display. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Gormish into Gentile for performing gamma determination and correction in a client-server environment over a wide area network (WAN).

9. Claims 4 and 26.

Gormish in fig. 1 illustrates a server system 65 may store a single image file and, in response to the client's request, modify the file according to the gamma estimate and provide the modified image file to the client system 66.

10. Claims 5, 16 and 27.

Gormish in col. 5, lines 43-51 teaches (referring also to fig. 1B) a software stored in the server computer system 65 and is used to determine the gamma of a monitor associated with a client computer system 66.

11. Claims 7-8 and 29-30.

Art Unit: 2672

Gormish in figs. 1 and 6 illustrates a server system 65 may store a single image file and, in response to the client's request, modify the file according to the gamma estimate and provide the modified image file to the client system 66.

12. Claims 14, 22 and 36.

Gormish in fig. 6 illustrates the limitations in claim 14.

13. Claims 15, 17 and 38

Gentile on page 3 lines 2-3 teaches a technique that includes displaying a plurality of gray patches on a screen, and on page 4 lines 33-34 teaches the gray patches are displayed on a completely black screen background, in fig. 1 step 106 illustrates displaying the gray patches with  $i-1$ ,  $i$ ,  $i+1$ . Gentile does not explicitly specify a computer network, however Gormish in fig 1B illustrates a client computer system in communication with a server computer system over a wide area network (WAN). However, since most computer users do not have access to relatively expensive measurement and calibration equipment, these users generally resort to an alternate solution of using a software tool in conjunction with a physical template whose brightness and hue are compared and matched to that of the display. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Gormish into Gentile for performing gamma determination and correction in a client-server environment over a wide area network (WAN).

14. Claim 18

Gentile on page 3 lines 16-34 teaches the limitations in claim 18.

15. Claims 19, 33.

Gormish in fig. 1A illustrates the limitation.

Art Unit: 2672

16. Claim 20.

Gentile in fig. 1 step 106 illustrates displaying the gray patches with  $i-1$ ,  $i$ ,  $i+1$  that considers a non-rectangular shape.

17. Claim 21.

Gentile on page 1 lines 24-31 teaches the limitations in claim 21. "Estimating a gamma and gray balance for the display device..."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini

  
JEFFERY BRIER  
PRIMARY EXAMINER



Application/Control Number: 09/778,484

Page 8

Art Unit: 2672

Examiner  
Art Unit 2672

Javid Amini